

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

LISA CORNWELL,

Plaintiff,

vs.

SYNCHRONY LENDING, INC.,

Defendant.

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: Case No.:
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NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Synchrony Bank (erroneously sued as “Synchrony Lending, Inc.”) (“Synchrony”) hereby notices removal of the state court civil action known as *Lisa Cornwell v. Synchrony Lending, Inc.*, Case No. 0602-10210-2020, from the District Court of Maryland for Montgomery County, to the United States District Court for the District of Maryland, and in support thereof states as follows.

1. On or about August 19, 2020, Plaintiff Lisa Cornwell (“Plaintiff”) filed a Complaint against Synchrony in the District Court of Maryland for Montgomery County (the “State Court”). In compliance with 28 U.S.C. § 1446(a), a true and correct copy of all process, pleadings, and orders served upon Synchrony is attached hereto as **Exhibit 1**.

2. As set forth more fully below, this case is properly removed to this Court pursuant to 28 U.S.C. § 1441 because Synchrony has satisfied the procedural requirements for removal, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331.

GROUND FOR REMOVAL

I. Synchrony Has Satisfied the Procedural Requirements for Removal.

3. Synchrony first received a copy of the Summons and Complaint on April 26, 2021. Therefore, this Notice of Removal is timely filed under 28 U.S.C. § 1446(b)(3) because Synchrony is filing its Notice of Removal within 30 days of its receipt of the initial pleading setting forth the claim for relief upon which such action is based.

4. This Court is the proper division because it embraces the State Court, where Plaintiff's action is pending. *See* 28 U.S.C. §§ 1441 and 1446(a).

5. No previous request has been made for the relief requested herein.

6. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on Plaintiff, and a copy is being filed with the State Court Clerk.

II. Removal Is Proper Because This Court Has Subject Matter Jurisdiction.

7. Under 28 U.S.C. § 1331, United States District Courts are vested with jurisdiction to consider cases or controversies "arising under" the laws of the United States of America. *See* 28 U.S.C. § 1331.

8. Removal of such cases is governed by 28 U.S.C. § 1441(b). Section 1441(b) makes clear that a case brought in state court, raising a federal question, "*shall* be removable" to the United States District Courts "without regard to the citizenship or residence of the parties." 28 U.S.C. § 1441(b) (emphasis added).

9. Here, Plaintiff's Complaint alleges that she filed a complaint to Synchrony through the Consumer Finance Protection Bureau about an unauthorized charge on her credit card but that Synchrony refused to remove the charge. Exh. 1, Complaint/Application and Affidavit in Support of Judgment.

10. These allegations purport to raise a claim for a violation of the Fair Credit Billing Act, 15 U.S.C. § 1666, and Plaintiff seeks two times the claimed interest, apparently under 15 U.S.C. § 1640(a)(2). Exh. A, Complaint/Application and Affidavit in Support of Judgment.

11. To the extent that any other claims in this action may arise under state law, supplemental jurisdiction over such claims exists pursuant to 28 U.S.C. § 1367.

12. Given that the requirements for federal question jurisdiction are satisfied, this case is properly removed.

WHEREFORE, Synchrony, by counsel, respectfully requests that the above-referenced action, originally filed in the District Court of Maryland for Montgomery County, be removed to this Court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

Dated: May 12, 2021

REED SMITH LLP

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Attorneys for Defendant Synchrony Bank

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of May, 2021, the foregoing was served by first class mail upon the following:

Lisa Cornwell
8310 Garland Avenue, Apartment 3
Takoma Park, MD 20912

REED SMITH LLP

/s/ John L. Kazmierczak
John L. Kazmierczak